

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Rigie	Team: Squad #1	CCRB Case #: 201508935	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/13/2015 1:35 PM	Location of Incident: 71st Precinct stationhouse	Precinct: 71	18 Mo. SOL 4/13/2017	EO SOL 4/13/2017	
Date/Time CV Reported Tue, 10/13/2015 4:11 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/20/2015 2:12 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Mervin Bennett	00255	920019	PBBS
2. Officers			
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Frank Beers	17641	945498	071 PCT
2. POM Michael Gonzalez	14118	943313	071 PCT
3. POM Paul Mallilo	13679	949246	071 PCT
4. SGT Radames Sierra	4655	939465	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: On October 13, 2015, an officer restricted § 87(2)(b) breathing.	
B. Officers	Force: On October 13, 2015, officers used physical force against § 87(2)(b)	
C.SGT Mervin Bennett	Force: On October 13, 2015, Sgt. Mervin Bennett struck § 87(2)(b) with a blunt instrument.	
D.SGT Mervin Bennett	Force: On October 13, 2015, Sgt. Mervin Bennett used a taser against § 87(2)(b)	
E. Officers	Force: On October 15, 2015, officers used physical force against § 87(2)(b)	

### Case Summary

On October 13, 2015, Sgt. Mervin Bennett reported to IAB that § 87(2)(b) was injured while in police custody. On October 20, 2015, this case was received by the CCRB. IAB provided no phone number for § 87(2)(b). On October 21, 2015, a please call letter was sent to § 87(2)(b) that was returned by the US Postal Service on November 16, 2015 as “no such number.” On October 27, 2015, a call was placed to § 87(2)(b) on a number yielded in a previous arrest in a BADS search. The call was answered by a female who confirmed that she was § 87(2)(b) mother. § 87(2)(b) mother said that she did not know § 87(2)(b) direct contact number, but would give him a message. On November 5, 2015, § 87(2)(b) called the CCRB and scheduled an interview for November 9, 2015. At the time of the call, a phone statement could not be taken due to excessive noise in the background. § 87(2)(b) missed his scheduled interview without calling ahead to cancel or reschedule. On November 9, 2015, a missed appointment letter was sent to § 87(2)(b) and not returned by the US Postal Service. On November 9, 2015, § 87(2)(b) called the CCRB, rescheduled his interview, and provided a phone statement in which he identified § 87(2)(b) as a second victim. On November 13, 2015, § 87(2)(b) missed his second scheduled interview without calling ahead to cancel or reschedule.

On November 12, 2015, a call was placed to § 87(2)(b) on a number yielded in a BADS search and confirmed in a Lexis search. § 87(2)(b) answered the call, confirmed that he had a complaint, but said that he was too busy to provide any information at the moment and would call back. Between November 16, 2015 and November 23, 2015, five additional calls were placed to § 87(2)(b) with four voicemails left. On the third call, a male answered the call, said that § 87(2)(b) was not available, but that he would give § 87(2)(b) a message. On November 12, 2015 and November 19, 2015, please call letters were sent to § 87(2)(b) and not returned by the US Postal Service.

On November 23, 2015, searches of the Department of Corrections of NYC and NYS confirmed that § 87(2)(b) and § 87(2)(b) were not incarcerated. Because § 87(2)(b) missed two scheduled interview without calling ahead to cancel or reschedule and § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Squad: 1

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date

